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Message Text

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ORIGIN DLOS-09

INFO OCT-01 EUR-12 IO-13 ISO-00 AF-10 ARA-10 EA-10
NEA-10 ACDA-12 AGRE-00 AID-05 CEA-01 CEQ-01 CG-00
CIAE-00 COME-00 DODE-00 DOTE-00 EB-08 EPA-01
SOE-02 DOE-15 FMC-01 TRSE-00 H-01 INR-10 INT-05
JUSE-00 L-03 NSAE-00 NSF-01 OES-07 OMB-01 PA-01
PM-05 SP-02 SS-15 NSCE-00 SSO-00 ICAE-00 INRE-00
/172 R

DRAFTED BY D/LOS:ABERLIND/AD
APPROVED BY D/LOS:ABERLIND
EUR/SOV:JCOLBERT
----------091826 281611Z /72
O 281546Z APR 78
FM SECSTATE WASHDC
TO AMEMBASSY MOSCOW IMMEDIATE
INFO USMISSION GENEVA IMMEDIATE

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GENEVA FOR US DEL LOS

E.O. 11652: N/A

TAGS: PLOS

SUBJECT: PLANNED DEMARCHE TO SOVIETS ON US ENVIRONMENTAL
EFFORTS AT LOS CONFERENCE

REF: STATE 107261

1. FOLLOWING IS TEXT OF "NON-PAPER" PREPARED FOR DELIVERY
TO SOVIET AMBASSADOR DOBRYNIN (ALONG WITH TALKING POINTS
CABLED REFTEL) WHEN PLANNED DEMARCHE IS MADE. WILL ADVISE
AFTER MEETING WITH DOBRYNIN ACTUALLY TAKES PLACE.
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2. BEGIN TEXT:

-- THE COOPERATION BETWEEN OUR TWO GOVERNMENTS THROUGHOUT
THE YEARS THAT THE THIRD UNITED NATIONS CONFERENCE ON THE
LAW OF THE SEA HAS BEEN IN PROGRESS HAS BEEN AN INSTRUMEN-
TAL FACTOR IN AGREEMENT TO DATE AT THE CONFERENCE ON A

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LARGE NUMBER OF ISSUES. IN PARTICULAR, THAT COOPERATION AND THE JOINT LEADERSHIP EXERCIZED BY OUR DELEGATIONS HAS SECURED FOR US BOTH PROVISIONS RELATING TO NAVIGATIONAL AND RELATED FREEDOMS THAT SERVE THE INTERESTS OF ALL MARITIME NATIONS. MOREOVER, WE HAVE TOGETHER SUCCEEDED IN MAINTAINING OUR INSISTENCE ON A REGIME FOR DEEP SEABED MINING THAT ASSURES ACCESS TO THE MINERAL RESOURCES OF THE DEEP SEABED FOR STATES AND PARTIES SPONSORED BY STATES. WHILE WE HAVE DISAGREED ON SOME OTHER ISSUES, OUR TACIT AGREEMENT THAT NEITHER OF US WILL UNDERCUT POSITIONS OF ESSENTIAL IMPORTANCE TO THE OTHER HAS BEEN CONSTRUCTIVE.

-- IN NEGOTIATIONS ON THE ENVIRONMENTAL PROTECTION PROVISIONS, WE HAVE BEEN ESPECIALLY SENSITIVE TO THE POSSIBLE DANGERS TO NAVIGATIONAL FREEDOMS INHERENT IN THE GRANT TO COASTAL STATES OF EXTENSIVE POLLUTION CONTROL POWERS. THE US ENVIRONMENTAL COMMUNITY, A POTENT FORCE IN AMERICAN LIFE, AND INFLUENTIAL MEMBERS OF CONGRESS ARE UNANIMOUS IN THE VIEW THAT THE INFORMAL COMPOSITE NEGOTIATING TEXT UNDER DISCUSSION AT THE CONFERENCE SIMPLY DOES NOT OFFER SUFFICIENT PROTECTION TO THE MARINE ENVIRONMENT, WITH SPECIFIC REFERENCE TO THE NEED TO PROTECT US COASTAL WATERS. MOREOVER, PORTIONS OF THE CURRENT TEXT CONTRADICT US DOMESTIC LEGISLATION AND IN FACT PLACE RESTRICTIONS ON EXISTING RIGHTS OF COASTAL STATES TO SET AND ENFORCE POLLUTION STANDARDS IN THE TERRITORIAL SEA. CLEARLY, IF A COM-
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PREHENSIVE LAW OF THE SEA TREATY IS SUBMITTED TO THE SENATE WITH THE ENVIRONMENTAL PROVISIONS CONTAINED IN THE CURRENT TEXT, THAT TREATY PROBABLY WOULD NOT RECEIVE THE ADVICE AND CONSENT OF THE SENATE. FURTHER, THERE IS A VERY REAL DANGER THAT IF THE TREATY TEXT DOES NOT INCLUDE ADEQUATE AND REASONABLE MARINE POLLUTION PROVISIONS, THERE WILL BE INCREASED PRESSURE FOR UNREASONABLE AND DAMAGING UNILATERAL ACTION BY COASTAL STATES TRYING TO PROTECT THEIR ENVIRONMENT OR SIMPLY TRYING TO EXTEND THEIR OVERALL JURISDICTION OVER SHIPPING.

-- ACCORDINGLY, THE US DELEGATION HAS DEVELOPED A SET OF PROPOSED AMENDMENTS TO THE TEXT THAT WOULD RELIEVE THE CONCERNS THAT HAVE BEEN EXPRESSED IN ENVIRONMENTAL AND CONGRESSIONAL CIRCLES AND WHICH, AT THE SAME TIME, NEED NOT THREATEN THE EXISTING ADEQUATE PROVISIONS RELATING TO NAVIGATIONAL FREEDOMS. THE UNITED STATES ALONE, HOWEVER, CANNOT HOPE TO ELICIT SYMPATHY AND SUPPORT FROM THE CONFERENCE AS A WHOLE WITHOUT THE AFOREMENTIONED CONTINUED COOPERATION OF THE SOVIET UNION AND OTHER MARITIME POWERS. DESPITE US EFFORTS TO EXPLAIN THE ABSOLUTE NECESSITY OF INTRODUCING IMPROVEMENTS INTO THE ENVIRONMENTAL SECTIONS OF

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THE INFORMAL COMPOSITE NEGOTIATING TEXT, THE SOVIET DELEGATION HAS BEEN LARGELY UNRESPONSIVE.

-- THE US IS MAKING AN EARNEST EFFORT TO BUILD A POLITICALLY REALISTIC LEGAL FRAMEWORK THAT CAN BOTH PROTECT THE ENVIRONMENT FROM UNREASONABLE SHIPPING PRACTICES AND PROTECT OUR NAVIGATIONAL FREEDOMS FROM THE UNDERSTANDABLY PASSIONATE REACTION TO OUTRAGEOUS POLLUTION INCIDENTS. WITH THE SUPPORT OF THE SOVIET UNION AND OTHER MARITIME NATIONS, THESE

TWIN GOALS CAN BE ACCOMPLISHED. WITHOUT THAT SUPPORT, WE ALL FACE THE PROSPECT OF A TREATY THAT, FOR LACK OF SUPPORT IN THE US SENATE, NEVER COMES INTO FORCE WITH RESPECT TO THE US AND THAT PERHAPS WILL NEVER BECOME THE INSTRU-
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MENT FOR SECURING OUR NAVIGATIONAL FREEDOMS THAT IT IS INTENDED TO BE.

END TEXT.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DEMARCHE, ENVIRONMENT, LAW OF THE SEA, MEETINGS
Control Number: n/a
Copy: SINGLE
Draft Date: 28 apr 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE108698
Document Source: CORE
Document Unique ID: 00
Drafter: ABERLIND/AD
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780182-0455
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t1978044/aaaaactv.tel
Line Count: 142
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 195601ab-c288-dd11-92da-001cc4696bcc
Office: ORIGIN DLOS
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 78 STATE 107261
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 05 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2916628
Secure: OPEN
Status: NATIVE
Subject: PLANNED DEMARCHE TO SOVIETS ON US ENVIRONMENTAL EFFORTS AT LOS CONFERENCE
TAGS: PLOS, SENV
To: MOSCOW
Type: TE
vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/195601ab-c288-dd11-92da-001cc4696bcc
Review Markings:
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